

Eric Bensamochan, Esq. SBN255482  
The Bensamochan Law Firm, Inc.  
9025 Wilshire Blvd., Suite 215  
Beverly Hills, CA 90211  
Tel: (818) 574-5740  
Fax: (818) 961-0138  
Email: eric@eblawfirm.us

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

LENA EVANS, RONI SHEMTOV, and  
SHBADAN AKYLBKOV, individually and  
on behalf of all others similarly situated,

Plaintiffs,

v.

PAYPAL, INC., a Delaware Corporation; and  
DOES 1-25, inclusive,

Defendants.

Case No.:

**DECLARATION OF RONI SHEMTOV**

I, Roni Shemtov, do hereby declare that all of the following is true and correct to the best of my personal knowledge and if called upon as a witness I could and would competently testify to the truthfulness of all of the below statements.

1. I am a PayPal Customer who trusted PayPal to securely hold Money into my account.

2. That I used my PayPal account to sell yoga clothing on eBay.

3. That in March of 2017, my PayPal account was locked.

Declaration

- 1 -

1           4.       That I made multiple attempts to reach a live PayPal employee on the phone but  
2 the only employees I reached told me my account was frozen and closed, and then hung up on  
3 me with no reason as to why my account was terminated.

4           5.       That between March 24, 2017 and December 27, 2017, PayPal was investigating  
5 me but I did not understand why.

6           6.       That six months later, in September of 2017, I learned that PayPal seized \$10,000  
7 from my PayPal account.

8           7.       That on or about November 26, 2019, I learned that PayPal seized another  
9 \$32,351.87 from my PayPal account.

10          8.       That I did try calling PayPal and spoke with a different person on at least three  
11 different occasions. Where one person told me that I violated PayPal's Acceptable Use Policy,  
12 by using the same IP address and computer that other PayPal users used, even though I explained  
13 that I lived in a house with my family members and often more than one person uses the same  
14 computer. A different person told me that I violated PayPal's Acceptable Use Policy, by having  
15 and using multiple PayPal accounts, and a third person told me that I violated PayPal's  
16 Acceptable Use Policy, by selling my yoga clothing at 20%-30% below the retail price. Which is  
17 not true.

18          9.       That in total \$42,737 was seized from my account and were not recovered.

19          10.      That I was sent an IRS form dated 9/1/2020 stating that I owed taxes on this  
20 \$42,737 which they seized from me and I ended up having to pay approximately \$1,000 in taxes  
21 on the money that PayPal took from me.

22          11.      That I was never given a copy of any investigation report or finding

23          12.      That I relied on PayPal to conduct sales on eBay and this nearly put me out of  
24 business.  
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Plaintiffs,  
v.  
PAYPAL, INC., a Delaware Corporation; and  
DOES 1-25, inclusive,  
Defendants.

Case No.: 5:22-cv-00248

**DECLARATION OF SHABDAN  
AKYLBKOV**

1.

I, Shabdan Akylbekov do hereby declare that all of the following is true and correct to the best of my personal knowledge and if called upon as a witness I could and would competently testify to the truthfulness of all of the below statements.

1. I am a PayPal Customer who trusted PayPal to securely hold Money in my account.

2. That I am the CEO of Hyaluron Pen Store LLC and entrepreneur who operates a real estate business. I am also married with three children.

3. That I began using Payal on May 16, 2016 opening an account for my personal use. And My wife Aigerim Tobokelova opened a separate account in the name of her wholly owned company, Azyk Logistics, Inc., in or around January 2020.

Declaration

1           4.       That on January 4, 2020, I began using the Azyk Logistics PayPal account for the  
2 sale of Hyaluron Pens Store, a company that was created on June 12, 2020.  
3

4           5.       That I received payment for the Hyaluron Pens Store until March 4, 2020, after  
5 which my account was limited.  
6

7           6.       That about 2-3 months after I started using PayPal for the sale of the Hyaluron  
8 Pens Store I began hearing back from customers that they were not able to complete their  
9 transaction using PayPal, and that was when I learned that PayPal had limited my account  
10 without informing me.  
11  
12

13           7.       That PayPal did not give me any explanation for limiting my account. I was told  
14 by someone from PayPal that my funds would be held in my account for 180 days, after which  
15 they would be made available for me to transfer back to my bank account.  
16  
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19           8.       That I repeatedly checked my account balance in my PayPal account from time to  
20 time, and learned that on or around August 2, 2020, PayPal had seized \$172,206.43 from my  
21 account without an explanation and without notifying me that the funds would be seized and  
22 transferred in PayPal's account.  
23  
24  
25

26           9.       That even after calling and speaking with different PayPal customer service  
27 employees over the phone, I received no explanation as to why PayPal seized the money in my  
28 account. When I called them, they told me that I would still receive my funds after 180 days.  
However after 180 days, we never heard or received anything. I called PayPal multiple times  
asking about my funds and I was told by PayPal to send a letter to their litigation department. I  
sent two letters to the legal department of PayPal and never received any reply either.

          10.       That I filed a complaint against PayPal with the Better Business Bureau, and  
thereafter received a reply that claimed that Aigerim Tobokelova violated PayPal's User

Declaration

1 Agreement and Acceptable Use Policy by accepting payments for the sale of injectable fillers  
2 that were not approved by the FDA. They claimed that the money seized was debited from her  
3 PayPal account balance “for its liquidated damages arising from those AUP violations pursuant  
4 to the User Agreement.”  
5

6  
7 11. That I never received a copy of the Acceptable Use Policy or the User Agreement  
8 until PayPal limited my account and seized the monies from my PayPal Account, and transferred  
9 it to PayPal’s own account, without notice or explanation.  
10

11  
12 12. That after discovering my account was limited, I was informed of the Acceptable  
13 User Policy and was referred to a link to the Acceptable User Policy which was accessible from  
14 my PayPal account.  
15

16  
17 13. That PayPal never returned the \$172,206.43 to my user account and claimed  
18 PayPal claimed that it used these funds to reimburse customers who had purchased the Hyaluron  
19 Pens, and to compensate PayPal for its damages. No customer ever told me that he or she ever  
20 received a refund from PayPal.  
21

22  
23 14. That on May 18, 2021, letter references a customer requesting a refund because  
24 the item was not received and instead of using some of the \$172,206.43 it seized, PayPal  
25 demanded that I pay the customer, which I did.  
26

27  
28 15. That PayPal later send a form of 1099K to Azyk Logistics, Ins., a company  
owned by my wife, stating that the sum of \$162,517.19 was paid as the “gross amount of  
payment third party network transactions” even though PayPal seized all of this money and  
transferred it to PayPal’s own account, and never returned a cent of that money to my user  
account.

Declaration

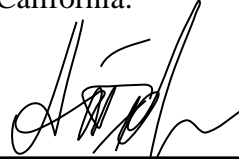
1           16.     That PayPal customer service supervisor told me that the documents were being  
2 downloaded and would be provided to me within 2 days. To this day no documents were ever  
3 given.  
4

5  
6           17.     That the product that I sold never required FDA approval, as it is similar to a  
7 supplement.  
8

9           I declare under penalty of perjury under the laws of the State of California and under the  
10 laws of the United States of America that the foregoing is true and correct.  
11

12           Executed this 18<sup>th</sup> day of April 2022, at Beverly Hills, California.  
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Shabdan Akylbekov

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**NORTHERN DISTRICT OF CALIFORNIA**

Case No.: 5:22-cv-00248

LENA EVANS, RONI SHEMTOV, and  
SHBADAN AKYLBKOV, individually and  
on behalf of all others similarly situated,

Plaintiffs,

v.

PAYPAL, INC., a Delaware Corporation; and  
DOES 1-25, inclusive,

Defendants.

**DECLARATION OF TRANG NGUYEN**

I, Trang Nguyen, do hereby declare that all of the following is true and correct to the best of my personal knowledge and if called upon as a witness I could and would competently testify to the truthfulness of all of the below statements.

1. I am a PayPal Customer who trusted PayPal to securely hold money in my account.

2. That PayPal permanently limited my account, holding \$5,000, which was literally the only the only amount of money I had left to pay rent, catch up on my bills that are delinquent, and take care of the people who depend on me.

Declaration





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DOES 1-25, inclusive,

Defendants.

Case No.: 5:22-cv-00248

**DECLARATION OF MICHELLE ERWINE**

I, Michelle Erwine do hereby declare that all of the following is true and correct to the best of my personal knowledge and if called upon as a witness I could and would competently testify to the truthfulness of all of the below statements.

1. I am a PayPal Customer who trusted PayPal to securely hold money in my account.

2. That in August 2021 I organized a fundraiser on my personal PayPal account for financial assistance due to Covid as well as a custody battle I was fighting.

Declaration

5. That PayPal is now claiming that I am using my account for gambling, but will not provide further details.

7. That the management I spoke to on the phone told me the only way to get my money back is to take them to a small claims court, but I am a small business owner, I do not have the resources to do such.

By:   
Michelle Erwine

Eric Bensamochan, Esq. SBN255482  
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on behalf of all others similarly situated,

Plaintiffs,

v.

PAYPAL, INC., a Delaware Corporation; and  
DOES 1-25, inclusive,

Defendants.

**DECLARATION OF RYAN CHESMORE**

I, Ryan Chesmore do hereby declare that all of the following is true and correct to the best of my personal knowledge and if called upon as a witness I could and would competently testify to the truthfulness of all of the below statements.

1. I am a PayPal Customer who trusted PayPal to securely hold money in my account.

2. That in March of 2021, PayPal decided to limit my account which held over \$1,400 of my social security money into their prepaid debit card.

Declaration

- 1 -

4. That I waited and then contacted corporate again via email but they would not give me any status update about my funds.

By:   
Ryan Chesmore

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## Audit Trail

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TITLE	My declaration
FILE NAME	Doc3.pdf
DOCUMENT ID	b50c7cfc3822f0be81e3b05572a198ca170d67f5
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	● Signed

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## Document History



SENT

**04 / 22 / 2022**

02:18:26 UTC

Sent for signature to Ryan Chesmore (rolinryanc@gmail.com)  
from rolinryanc@gmail.com  
IP: 174.192.139.79



VIEWED

**04 / 22 / 2022**

02:19:38 UTC

Viewed by Ryan Chesmore (rolinryanc@gmail.com)  
IP: 174.192.139.79



SIGNED

**04 / 22 / 2022**

02:20:22 UTC

Signed by Ryan Chesmore (rolinryanc@gmail.com)  
IP: 174.192.139.79



COMPLETED

**04 / 22 / 2022**

02:20:22 UTC

The document has been completed.

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**NORTHERN DISTRICT OF CALIFORNIA**

Case No.: 5:22-cv-00248

LENA EVANS, RONI SHEMTOV, and  
SHBADAN AKYLBKOV, individually and  
on behalf of all others similarly situated,

**DECLARATION OF BEN ZINO**

Plaintiffs,

v.

PAYPAL, INC., a Delaware Corporation; and  
DOES 1-25, inclusive,

Defendants.

I, Ben Zino, do hereby declare that all of the following is true and correct to the best of my personal knowledge and if called upon as a witness I could and would competently testify to the truthfulness of all of the below statements.

1. I am a PayPal customer who trusted PayPal to securely hold money in my account.
2. That I used my PayPal account to hold my money from my online business of selling toys.
3. That on June 02, 2021, my funds were seized by PayPal

Declaration

6. That the money in my PayPal account was a critically important amount of money that I was using to pay rent and grocery bills that was stolen from me with no valid explanation, and I have not received communication from them since.

I declare under penalty of perjury under the laws of the State of California and under the laws of the United States of America that the forgoing is true and correct. Executed this 20<sup>th</sup> day of April 2022, at Beverly Hills, California.

- 2 -



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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

Case No.:

LENA EVANS, RONI SHEMTOV, and  
SHBADAN AKYLBKOV, individually and  
on behalf of all others similarly situated,

**DECLARATION OF ASHLEY CASEY**

Plaintiffs,

v.

PAYPAL, INC., a Delaware Corporation; and  
DOES 1-25, inclusive,

Defendants.

I, Ashley Casey do hereby declare that all of the following is true and correct to the best of my personal knowledge and if called upon as a witness I could and would competently testify to the truthfulness of all of the below statements.

1. I am a PayPal Customer who trusted PayPal to securely hold money in my account.
2. That PayPal seized \$11,000 of mine that I had deposited into my account from an SBA loan.
3. That PayPal froze my account for 180 days and then seized it without reason

Declaration re: Request For Entry of Default

6. That my SBA loan was granted but PayPal ended up seizing the money.

8. That due to PayPal taking my money I ended up having to live in a motel with my one-year-old daughter at the time.

Executed this 18<sup>th</sup> day of April 2022, at Beverly Hills, California.

/s/ Ashley Casey  
Ashley Casey

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Plaintiffs,

v.

PAYPAL, INC., a Delaware Corporation; and  
DOES 1-25, inclusive,

Defendants.

**DECLARATION OF BRETT JUNG**

I, Brett Jung, do hereby declare that all of the following is true and correct to the best of my personal knowledge and if called upon as a witness I could and would competently testify to the truthfulness of all of the below statements.

1. I am a PayPal Customer who trusted PayPal to securely hold money in my account.
2. That I used my PayPal account to hold my money from my online business.
3. That I used my PayPal account to resell virtual items.
4. That on July 13th, 2021, my PayPal funds were seized.

Declaration



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Plaintiffs,

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PAYPAL, INC., a Delaware Corporation; and  
DOES 1-25, inclusive,

Defendants.

**DECLARATION OF MUHAMMAD  
SOHAIL SHAMIM MIRZA**

I, Muhammad Sohail Shamim Mirza do hereby declare that all of the following is true and correct to the best of my personal knowledge and if called upon as a witness I could and would competently testify to the truthfulness of all of the below statements.

1. I am a medical graduate doctor and part time Uber/Lyft driver who is now going through licensing exams to get certified.

2. I am married, and have a 6 month year old little girl, but my wife is not in the United States .

Declaration

Declaration  
- 2 -

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Plaintiffs,

v.

PAYPAL, INC., a Delaware Corporation; and  
DOES 1-25, inclusive,

Defendants.

**DECLARATION OF ERIC LARSON**

I, Eric Larson, do hereby declare that all of the following is true and correct to the best of my personal knowledge and if called upon as a witness I could and would competently testify to the truthfulness of all of the below statements.

1. I am a PayPal Customer who trusted PayPal to securely hold money in my account.
2. That I operate a retail sporting goods store catering to Law enforcement and military professionals getting the gear they need to do their job safely

Declaration



1           3.       That we are a brick-and-mortar store, and I have 3 employees along with my wife.  
2 We have twin daughters, and this is our sole source of income to provide for our family. I am a  
3 Castaic town council member and a former United States Marine Sergeant having served in  
4 Desert Storm. I started this company so I could help my fellow brothers and sisters in arms get  
5 the gear they needed to come home alive.

6           4.       That on August 4<sup>th</sup> PayPal seized \$3587.87 from my account.

7           5.       That both, my wife Kim and I, been calling since the funds were seized 180 days  
8 ago. I called back in July to make sure we would get our funds and was told on August 10<sup>th</sup> the  
9 funds would be available to transfer.

10          6.       That Kim called on August 5<sup>th</sup> when I discovered the account was empty and  
11 spoke to someone named "Daniel" and he assured me that the funds would be in our account to  
12 transfer to my bank

13          7.       That Kim called on August 10<sup>th</sup> and spoke to someone named "Jane" and she said  
14 I will never get my funds as they are to pay for damages and to pay the government for the user  
15 agreement we did not adhere to. "Jane" said I was told wrong information previously. I only  
16 bought dog beds and other items, but did not break their user agreement. I were never told that I  
17 broke their user agreement. "Jane" stated I would never get my money.

18          8.       That I then asked for the manager, and spoke to someone named "Jason". He  
19 again said I violated the user agreement and will not get me my money. I stressed to them that I  
20 needed my money released and then he said that \$2,500 will be taken out for the violation. I was  
21 originally told that PayPal kept my money due to the potential of chargebacks, and never was  
22 informed that I broke the rules. "Jason" told me to seek outside options to get my money back.

23          9.       That I am a disabled veteran that owns a small business who has been hit hard by  
24 Covid-19, who did not get any PPP, and I need this money to pay rent.  
25

26  
27  
28                   Declaration



1 I declare under penalty of perjury under the laws of the State of California and under the  
2 laws of the United States of America that the foregoing is true and correct. Executed this 20<sup>th</sup> day  
3 of April 2022, at Beverly Hills, California.  
4

5 By:   
Eric Larson

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Declaration

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Plaintiffs,

v.

PAYPAL, INC., a Delaware Corporation; and  
DOES 1-25, inclusive,

Defendants.

**DECLARATION OF ANDREW NEMESH**

I, Andrew Nemesh, do hereby declare that all of the following is true and correct to the best of my personal knowledge and if called upon as a witness I could and would competently testify to the truthfulness of all of the below statements.

1. I am a PayPal Customer who trusted PayPal to securely hold money in my account.

2. That I used my PayPal account to sell sporting goods on my website Gunbroker.com.

3. That on May 07, 2021, my PayPal account was limited.

Declaration

6. That I supplied the shipping information and Gunbroker.com invoices to PayPal.

8. That I processed 7 invoices from 05/07/2021 2:45pm to 05/10/2021 9:47am before they completely locked my account with a \$1,374.14 balance. They messaged me that I am in violation of terms of use, and I have to wait 180 days before it will be released to me.

10. That I called support and messaged them via Paypal.com with no reply on the message or with the call. They said I could appeal the seizure, but will not receive the money seized.

12. That I was never given a copy or any investigation report or finding.

I declare under penalty of perjury under the laws of the State of California and under the laws of the United States of America that the forgoing is true and correct. Executed this 20<sup>th</sup> day of April 2022, at Beverly Hills, California.

Declaration  
- 2 -

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DOES 1-25, inclusive,

Defendants.

**DECLARATION OF MATHEW EBORA**

I, Mathew Ebor, do hereby declare that all of the following is true and correct to the best of my personal knowledge and if called upon as a witness I could and would competently testify to the truthfulness of all of the below statements.

1. I am a PayPal Customer who trusted PayPal to securely hold money in my account.

2. That I used my PayPal account to hold my money from my part-time job as a freelancer and some investments in other businesses.

3. That on October 19, 2021, my PayPal funds were seized.

Declaration

5. That I am a college student.

7. That before PayPal stole my money, I was doing great and was able to help my and mother, unfortunately that did not last long because PayPal froze the money I earned.

I declare under penalty of perjury under the laws of the State of California and under the laws of the United States of America that the forgoing is true and correct. Executed this 20<sup>th</sup> day of April 2022, at Beverly Hills, California.

DocuSigned by:  
*Mathew Ebora*  
 By: DD8C455023174CF  
 Mathew Ebora